

10/09/01
USPTO

02-12-01

PTO/SB/05 (08/00)

Please type a plus sign (+) inside this box → Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCEUnder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number
**UTILITY
PATENT APPLICATION
TRANSMITTAL**
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 061607-1600

First Inventor William L. Betts and Kenneth D. Ko

Title Fractional Bit Rate Encoding in a Pulse Amplitude Modulation Communication System

Express Mail Label No. EL492180298US

10/09/01

| | | | |
|---|---|---|---|
| APPLICATION ELEMENTS See MPEP Chapter 600 concerning utility patent application contents | | ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231 | |
| <input type="checkbox"/> APPLICANT REQUESTS EARLY PUBLICATION UNDER 37 CFR 1.219 (additional fee) | | | |
| 1. <input checked="" type="checkbox"/> | Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing) | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) | |
| 2. <input type="checkbox"/> | Applicant claims small entity status. | 8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) | |
| 3. <input checked="" type="checkbox"/> | Specification (preferred arrangement set forth below) | a. <input type="checkbox"/> Computer Readable Copy (CRF) | |
| | - Descriptive title of the invention - Cross References to Related Applications - Statement Regarding Fed. Sponsored R&D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure | b. <input type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper | |
| 4. <input checked="" type="checkbox"/> | Drawing(s) (35 USC 113) | [Total Sheets 4] | c. <input type="checkbox"/> Statements verifying identity of above copies |
| 5. <input type="checkbox"/> | Oath or Declaration | [Total Pages 2] | |
| a. <input checked="" type="checkbox"/> | Newly Executed (original or copy) | 9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & Documents(s)) | |
| b. <input type="checkbox"/> | Copy from a prior application (37 CFR §1.63(d)) (for continuation/divisional with Box 17 completed) | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input checked="" type="checkbox"/> Power of Attorney | |
| i. <input type="checkbox"/> | DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s), named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). | 11. <input type="checkbox"/> English Translation Document (if applicable) | |
| 6. <input checked="" type="checkbox"/> | Application Data Sheet. See 37 CFR 1.76 | 12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations | |
| Assignee Name and Address (if applicable) Paradyne Corporation 8545 126th Avenue, North Largo, Florida 33773 | | 13. <input type="checkbox"/> Preliminary Amendment | |
| | | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) | |
| | | 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) | |
| | | 16. <input checked="" type="checkbox"/> Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. | |
| | | 17. <input type="checkbox"/> Other: _____ | |

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

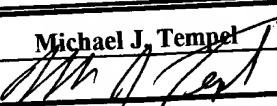
of prior application No: /

Group / Art Unit: _____

Prior application information: Examiner _____
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**18. CORRESPONDENCE ADDRESS** Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or Correspondence address below

| | | | |
|-------------------|---|-----------|--|
| NAME | Scott A. Horstemeyer Thomas, Kayden, Horstemeyer & Risley, L.L.P. | | |
| ADDRESS | 100 Galleria Parkway Suite 1750 | | |
| CITY | Atlanta | STATE | Georgia |
| COUNTRY | U.S.A. | TELEPHONE | 770-933-9500 |
| Name (Print/Type) | Michael J. Tempel | | Registration No. (Attorney/Agent) 41,344 |
| Signature |  | | Date 02/09/01 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 930.00)

Complete If Known

| | |
|----------------------|------------------------------------|
| Application Number | To Be Assigned |
| Filing Date | Even Date Herewith |
| First Named Inventor | William L. Betts and Kenneth D. K. |
| Examiner Name | To Be Assigned |
| Group / Art Unit | To Be Assigned |
| Attorney Docket No. | 061607-1500 |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge to the following Deposit Account,
 Deposit Account Number 16-0255

Charge all indicated fees and any additional fee required or credit any overpayment.

Charge any additional fee required and requested to credit any overpayment. Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:
 Check Money Order Credit Card

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | \$710 |
| 106 | 320 | 206 | 160 | Design filing fee | \$ |
| 107 | 490 | 207 | 245 | Plant filing fee | \$ |
| 108 | 710 | 208 | 355 | Reissue filing fee | \$ |
| 114 | 150 | 214 | 75 | Provisional filing fee | \$ |
| | | | | SUBTOTAL (1) | (\$710) |

2. EXTRA CLAIM FEES

| | | | | Extra Claims | Fee from below | Fee Paid |
|--------------------|----|--------|----|--------------|----------------|----------|
| Total Claims | 30 | -20**= | 10 | x 18.00 | = 180 | |
| Independent Claims | 3 | -3** = | 0 | x 80.00 | = 0 | |
| Multiple Dependent | | | | 270.00 | = | |

**or number previously paid, if greater; For Reissue, see below

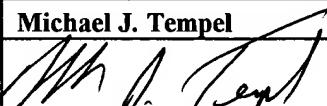
| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | |
|----------------|-----------------|----------------|-----------------|---|---------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 | |
| 102 | 80 | 202 | 40 | Independent Claims in excess of 3 | |
| 104 | 270 | 204 | 135 | Multiple dependent claims in excess of 3 | |
| 109 | 80 | 209 | 40 | **Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent | |
| | | | | SUBTOTAL (2) | (\$890) |

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|---|-----------------------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension of time within second month | |
| 117 | 890 | 217 | 445 | Extension of time within third month | |
| 118 | 1,390 | 218 | 695 | Extension of time within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension of time within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt. | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (time number of properties) | 40 |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |
| | | | | Other fee (specify) | Early Publication Fee |
| | | | | Other fee (specify) | Publication Fee |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) 40

| | | | | |
|-----------------------|--|---|-------------------------|----------|
| SUBMITTED BY | | Complete (if applicable) | | |
| Typed or Printed Name | | Michael J. Tempel | | |
| Signature | |  | Date | 02/09/01 |
| | | | Deposit Account User ID | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re: William L. Betts and Kenneth D. Ko

For: Fractional Bit Rate Encoding in a Pulse Amplitude Modulation Communication System

CERTIFICATE OF EXPRESS MAIL

Assistant Commissioner for Patents
BOX: Patent Application
Washington, D.C. 20231

Sir:

Enclosed for filing in the above case are the following documents:

Return Postcard
Utility Patent Application Transmittal Page
Fee Transmittal Page
Utility Patent Application Consisting Of:
20 Pages of Specification
5 Pages of Claims
1 Page of Abstract
4 Pages of Formal Drawings (4 Sheets)
Declaration for Patent Application (2 Pages)
Assignment of Utility Patent Application (4 Pages)
Assignment Cover Sheet
Patent Application Data Entry Form
Authorization to charge deposit account 16-0255 the amount of
\$930.00 for payment of application and assignment filing fees
Information Disclosure Statement (PTO-1449)
Copies of IDS citations
Request and Certification Under 35 U.S.C. 122(b)(2)(B)(I)

Further, the Commissioner is authorized to charge Deposit Account No. 16-0255 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 16-0255.

Respectfully submitted,

Michael J. Tempel, Reg. No. 41,344

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339-5948

Our Docket No: **061607-1500**

I hereby certify that all correspondences listed above are being deposited for delivery to the above addressee, with the United States Postal Service "**EXPRESS MAIL POST OFFICE TO ADDRESSEE**" service under 37 CFR §1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To Addressee" Package # EL492180298US.

Date: February 9, 2001


Gloria L. Knox

PTO
09/09/01
U.S. Patent and Trademark Office
11710 09/09/01

PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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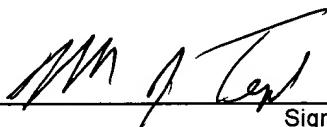
**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

| | |
|----------------------|---|
| First Named Inventor | William L. Betts and Kenneth D. Ko |
| Title | Fractional Bit Rate Encoding in a Pulse Amplitude Modulation Communication System |
| Attorney Docket No. | 061607-1500 |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

02/09/01

Date



Signature

Michael J. Tempel

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231